

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EUGENIE BOUCHARD,

Plaintiff,

-against-

UNITED STATES TENNIS ASSOCIATION, INC.,
and USTA NATIONAL TENNIS CENTER, INC.

Defendants.
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Civ. Act. No.: 1:15-cv-5920

**DECLARATION OF
BENEDICT P. MORELLI
IN SUPPORT OF PLAINTIFF'S
MOTION FOR SANCTIONS**

BENEDICT P. MORELLI, swears the following to be true under penalties of perjury
subject to the laws of the State of New York:

1. I am the founding partner of Morelli Law Firm, PLLC, attorneys for the Plaintiff Eugenie Bouchard in the above-captioned matter and, as such, I am fully familiar with the facts and circumstances of this case.
2. This declaration is submitted in order to place relevant documents on the record in support of Plaintiff's Motion for Sanctions due to Defendants' Spoliation of Evidence.
3. The deposition of Plaintiff Eugenie Bouchard was held on November 8, 2016. Copies of the relevant portions of Plaintiff's deposition transcript are attached hereto as **Exhibit A**.¹
4. The deposition of non-party witness WTA trainer Kristy Stahr was held on September 14, 2016. Copies of the relevant portions of Kristy Stahr's deposition transcript are attached hereto as **Exhibit B**.

¹ For the sake of brevity, Plaintiff has only included the portions of deposition transcripts relevant to the instant motion. Upon request, Plaintiff will gladly provide the Court with full copies of the deposition transcripts.

5. The deposition of USTA employed locker room supervisor Karen Owens was held on November 16, 2016. Copies of the relevant portions of Karen Owens' deposition transcript are attached hereto as **Exhibit C**.
6. The deposition of non-party witness Deborah Cleare was held on September 14, 2016. Copies of the relevant portions of Deborah Cleare's deposition transcript are attached hereto as **Exhibit D**.
7. A copy of Plaintiff's preservation letter dated September 16, 2015 is attached hereto as **Exhibit E**.
8. A copy of Defendants Rule 26(a)(1) Initial Disclosures dated December 21, 2015 is attached hereto as **Exhibit F**.
9. The deposition of non-party witness WTA trainer Eva Scheumman was held on November 30, 2016. Copies of the relevant portions of Eva Scheumman's deposition transcript are attached hereto as **Exhibit G**.
10. A copy of Defendants' Responses to Plaintiff's Third Rule 34 Request for Production of Documents dated December 21, 2016 is attached hereto as **Exhibit H**.
11. A copy of Defendants' Response to Plaintiff's Rule 33 Interrogatories dated June 16, 2016 is attached hereto as **Exhibit I**.
12. The deposition of USTA locker room attendant Sandra Benavides was held on November 16, 2016. Copies of the relevant portions of Sandra Benavides' deposition transcript are attached hereto as **Exhibit J**.
13. The deposition of former locker room attendant Christina Simmons was held on April 20, 2017. Copies of the relevant portions of Christina Simmons' deposition transcript are attached hereto as **Exhibit K**.

14. A copy of the Arthur Ashe Stadium Map provided by the Defendants is attached hereto as **Exhibit L**.

15. Copies of various screenshots taken from Exhibit 11 of Defendants' Rule 26(a)(1) Initial Disclosures dated December 21, 2015, entitled "09/04/15 Security Video – National Tennis Center (vicinity of Women's Locker Room)" are attached hereto as **Exhibit M**.

Dated: New York, New York
May 16, 2017

Respectfully Submitted,



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